

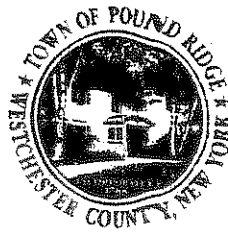
Town of Pound Ridge

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Town Council
Alison Y. Boak
Peter J. Falco
Richard B. Lyman
Daniel S. Paschkes

AGENDA TOWN BOARD MEETING

Revised 10/3/12

Meeting Date: Thursday, October 4, 2012 Town House, 179 Westchester Avenue
Meeting Time: 8:00 PM Pound Ridge, New York 10576-1743

CALL TO ORDER:

CALL FOR EXECUTIVE SESSION:

ANNOUNCEMENTS/REMINDERS:

MINUTES: Acknowledge/correct/accept minutes of the Executive Session held on August 22, Town Board Meeting held on September 6, Town Board Work Session and Executive Session held on September 19.

PUBLIC HEARING:

NEW BUSINESS:

- Theatre Group – Fall schedule and introducing new President.
- Pound Ridge Business Association – requesting permission to install a banner across Westchester Avenue near the Post Office to be installed on October 16th to promote their “ Pound Ridge Fine Arts “ to be held on October 27th and 28th.
- Antiques and Tools of Business & Kitchen: requesting approval for Special Event Permit Applications for 2013.
- Grants for Landt Lane Fire Pond and Traffic Calming Measures in Scotts Corners.
- Town Clerk - sale of Cemetery Plots
 - requesting approval to award bid to Fuel Co.
- Assessor – requesting authorization of refund for Certiorari Settlement.
- Consider request by A-Home Community Enterprises to support septic solutions for affordable housing.
- Pound Ridge Garden Club – requesting permission to borrow 40 folding chairs for the annual Thanksgiving workshop & luncheon
- Planning Board - requesting approval for Whelan Stormwater Control Maintenance Agreement.

FINANCIAL MATTERS:

- Recreation Department - requests authorization for refund deposit on cancellations.
- Monthly Reports.
- Pay Bills.

ADJOURNMENT:

Town House

179 Westchester Avenue Pound Ridge, New York 10576-1743

TOWN OF POUND RIDGE - SPECIAL EVENT PERMIT APPLICATION

This application is pursuant to Local Law 4 of 1994 regulating special events, street fairs, antiques markets and outdoor arts and crafts sales in the Town of Pound Ridge.

APPLICANT'S NAME: Antiques & Tools of Business & Kitchen

ADDRESS: 65 Westchate Avenue, POB 248 Pound Ridge 10576

Business Telephone No.: 764-0015

Please respond to the following:

1. Provide the date and times of the event. See attached calendar
2. What is the nature of the event? Street fair _____ Antiques Market
Outdoor Arts and Crafts _____ Other _____
Farmers Market
3. How many vendors will participate? Antiques - up to 12, Farmers - up to 6.
4. Will there be any banners across the roads? No
5. What arrangements will be made for traffic control and police protection?
Not needed - light traffic.
6. What arrangements have been made to insure adequate parking for the vendors and visitors to this event? Please provide a detailed description of your plans.
No special needs.
7. What arrangements have been made to insure adequate parking and pedestrian access to Scott's Corners shops and facilities that will be open during this special event? Please be specific how and where you expect to protect dedicated customer parking spaces in front of stores and businesses.
No arrangements needed. These events help generate business in Scott's Corners - that's the main purpose.
8. Have you reviewed your parking and access plans with affected shopkeepers and/or service providers?
Neighboring proprietors tell me they appreciate these events, & have no parking problems.

9. Parking is not permitted on roads in residential areas adjacent to Scott's Corners. What plans have been made to insure compliance with this restriction?

No plans have been needed.

10. Will there be any entrance fee? If so, how much? *No.*

11. Have arrangements been made to provide sanitary facilities? Please include answers to the following questions in your response:

The toilet in my shop meets the needs of customers & vendors.

- a. How many portable toilet facilities do you expect to provide? _____
- b. Does the number of planned facilities meet Board of Health standards for the number of visitors expected? *Yes*
- c. Where will they be located? _____
- d. Have you planned for adequate and easily visible signs directing visitors to the locations of toilet facilities?
Not necessary.

12. Amplified music at special events is not permitted. Please be sure visiting vendors are aware of this restriction.

13. You, as the applicant for this permit, are responsible for advising each participating vendor of the requirement to have and display a New York State Sales Tax Certificate at the location of their booth or sales location.

14. If food vendors are part of your event, approvals must be obtained from Westchester County Board of Health. Copies of these appropriate approvals must be on file in the Town Clerk's Office prior to the start of the event.

15. This application must be signed by the applicant. The applicant's signature attests to the veracity of the statements made in this application and indicates his/her responsibility to comply with the requirements of Local Law Number 4 of the Town of Pound Ridge.

Jan Sillescu

SIGNATURE OF APPLICANT

9/24/12

DATE

Hon. Robert Castelli
4 New King Street
White Plains, NY 10604

Hon. Greg Ball
1441 Route 22 Suite 205
Brewster, NY 10509

Dear Senator Ball:

The Town of Pound Ridge has been studying traffic calming measures in our business district, Scotts Corner, specifically to address issues regarding pedestrian safety in relation to automobile traffic traveling at speeds not conducive to a pedestrian environment. Traditional means of speed control through enforcement have been both unsuccessful and, in a real sense, detrimental to our businesses. Having met with a professional traffic engineer from the Cornell Roads Program, we have devised a series of calming measures that we believe will be successful through the provision of a series of visual cues (signage, lane markings and electronic speed indicator) as well as physical alterations shrinking the width of the roadway along with the addition of raised pedestrian crosswalks called "speed tables".

Not unsurprisingly, our plans come at a not insignificant cost and we therefore are seeking your assistance in identifying State sources of grant money available for projects such as ours as well as any additional help you can provide in then obtaining the requested funding once sources are identified. We have opted to stage the project in such a manner that we can experiment with the plan through some temporary measures to allow for adjustments before installing permanent measures. The first phase will cost \$35,000. If Phase I proves as successful as we believe it will, then Phase II will require an additional ???? for the permanent alterations.

Thank you in advance for your assistance in this very important safety project.

Hon. Robert Castelli
4 New King Street
White Plains, NY 10604

Hon. Greg Ball
1441 Route 22 Suite 205
Brewster, NY 10509

Dear Senator Ball:

Our local volunteer fire department, like many throughout the State, relies solely upon water provided from lakes, ponds and, when accessible and permitted, private swimming pools. There is no public water to supply a pressurized hydrant system. Where feasible, "dry hydrants" have been installed in some water sources adjacent to public roads that permit a pumper to hook up a suction hose and draft water without the need for laying hose with floating strainers in the summer and cutting ice in the winter, which greatly increases the speed and reliability of getting the necessary water. As your District is made up of mostly of towns like Pound Ridge, I am certain none of the foregoing is foreign to you.

One of the more critical dry hydrants that we have, located in an area where alternate sources are otherwise scarce, has become inoperable due both to siltation and seepage of the water through the earthen berm, necessitating a cleaning and deepening of the pond bottom, removal of the rooted material on the berm and lining of the pond with bentonite (or similar natural lining material) to restore the storage capacity of the pond as well as improve its function in storm water management.

The attached letter from the Pound Ridge Fire District Commission reinforces the critical nature of this project in providing for the safety of our residents, and they join us in requesting your assistance in identifying possible grant sources to provide the funding necessary to complete this project. The costs are currently estimated to be in the range of \$175,000 to \$200,000 to complete, and could be higher absent additional engineering work.

To: Town Board
From: Town Clerk
Re: Fuel Oil Bids
Date: October 4, 2012

I received three sealed bids for furnishing fuel oil for all the municipal buildings in the Town of Pound Ridge with a maintenance contract for each unit. I advertised in the Record Review and the Journal News and sent several packets of information to oil companies requesting bids.

Marshall Oil will deliver #2 fuel for all facilities at twelve (+.12) cents per gallon above the low New York Harbor Barge Reseller's price. They enclosed a copy of their service contract, the bid for which is one hundred twenty dollars (\$120.00) per unit for service and oil burner parts and seventy dollars (\$70.00) for oil fired water heater.

Robison Oil will deliver #2 fuel for all facilities at twenty-two (+.22) cents per gallon above the low New York Harbor Barge Reseller's price. They enclosed a copy of their service contract, and will provide a service contract at a cost of \$295.00 per burner.

Burke Heat will deliver #2 fuel for all facilities at twenty-five (+.25) cents per gallon above the low New York Harbor Barge Reseller's price. They did not enclose or give a service contract price for the facilities.

Since Marshall Oil has a proven service record and is the lowest bidder, I recommend that the Town Board authorize Marshall Oil Co. to continue to supply the Town with No. 2 Fuel Oil .

To: Laura Rossi
Program Officer
Westchester Community Foundation

The (Town of ____) supports the work of ACE(Allied Community Enterprises) in its project to find septic solutions for the northern part of Westchester County. The lack of infrastructure, e.g. the lack of sewers and improved septic severely limits housing development in the municipalities of northern Westchester. This particularly affects the ability to comply with the settlement and to develop much needed affordable housing beyond the 750 units required in the Court Settlement.

The Town of ____ is involved in the work of the Septic Subcommittee chaired by legislator Peter Harekham. The committee is working towards improving septic systems and investigating decentralized systems as an answer to the lack of this infrastructure. It hopes to bring the various agencies to the table to order to get long needed and long awaited results.

That ACE can bring the voice of affordable housing to the table is essential. In addition, ACE's executive director, Joan Arnold has been 30 years of experience in housing development in the northern Westchester area and the limitations the lack of sewers and septic infrastructure. Every affordable housing development that she has undertaken for A_HOME and now for ACE is dictated by the confines of whether or not the proposed project has sewers or adequate acreage for septic systems.

In addition the important outcome of the project is to actually develop affordable housing that would be limited or non existence is an important goal. Getting a pilot system in an area that would not be sustainable otherwise is a critical step in moving the agenda forward for all of Westchester.

We applaud the Westchester Community Trust for funding this important projects that can unlock the key to successful, fair and affordable housing in the County.

Sincerely,

The Proposal/Narrative

This proposal is to fund, study, select and pilot the decentralized sewer/septic systems on specific site(s) to create affordable housing.

Over the past 3 years, much has been made in Westchester County of the Stipulation and Order of Settlement and Dismissal ("Settlement Agreement") reached among Westchester County and the federal government and enforced by federal courts. The Settlement Agreement has changed the affordable housing dynamic in Westchester. Prior to the settlement, considerable housing had already been developed in the lower part of Westchester (Yonkers, Mt. Vernon, White Plains, etc.). On the surface, it appeared to some that the intent of the County was to concentrate minorities where they had always lived. However, major impediments in the northern part of Westchester made it easier and less expensive for affordable housing to be built in the lower part of the county where a minority foothold was more prevalent. The northern Westchester impediments have been consistently identified as the lack of infrastructure, including: sewers, water and transportation. The Federal Government is now pushing to develop multifamily family housing in the northern tier of Westchester County. The Settlement Agreement decrees that 750 units of affordable housing must be built in primarily "A" type communities by December 31, 2016. Most of the northern Westchester towns that A.C.E. has worked in are the "A" type communities—having a population of fewer than 3% African American and 7% Hispanic.

There is a conundrum as to whether or not the municipalities in the "A" type Court Settlement communities can create adequate affordable housing units to truly satisfy the court order. These communities (located north of interstate 287) are largely without sewers. The ability to create adequate septic or sewer systems without eating up available land is severely handicapped. The ability to repair and expand septic systems is limited because of restrictive regulations drafted primarily by the New York City Department of Environmental Protection (DEP) to protect the watershed of the city's reservoirs in Westchester County; the watershed for the city's drinking water supply covers 40% of the county's land area and almost 90% of the "A" type communities. The strict regulations are enforced by New York State and the Westchester County Department of Health. The result is a paralyzing constraint that both municipalities and developers face in developing affordable housing.

The septic regulations enforced in Westchester County are many years behind the rest of the country. Changes to utilize new technologies have not happened. Recently, the New York State Department of Environmental Conservation (DEC) drafted new regulations proposing the restriction of galley systems under pavement. As a result, development of multiple units will be further restricted making less land available for building and parking. Unless pressure is brought to

bear upon the state, the situation remains deadlocked. Under the leadership of County Legislator Peter Harckham, the County's Septic subcommittee has met with the county Health Department and staff of the DEC and DEP. The timing for a new initiative appears to be good. In addition, ACE has connected with both the WCF (Westchester Community Foundation) and LISC (Local Initiative Support Corporation) with the prospect of undertaking this project as a means to develop fair and affordable housing in Westchester.

The need for sewers and adequate septic has quite a history in the northern Westchester area. One might assume that because Westchester County possesses the financial resources and wherewithal, then it must have a comprehensive sewer system. This is far from the truth. Two major sewer line trunks serve portions of northern Westchester. The first sewer line goes to a treatment plant in Yonkers and the second line runs to a plant in Peekskill. Both systems are hesitant to add more waste to their systems. The treatment plant "host communities" have been vocal about additional flows being added to the systems. There are also "closed system" or independent sewage treatment plants, but in today's world the costs to implement such an independent system are prohibitive. Further, these "closed system" sewers were project based, not community based - and therefore limited in capacity and functionality.

Goal and Activities

Currently, there is much forward movement to both identify decentralized systems including larger community systems and clustered septic systems, develop such systems and work to get appropriate state and county authority to permit piloted systems. This project joins at a critical point in the process, where activities will entail meeting with members of the septic subcommittee under Legislator Harckham. Additionally, the project works in several dimensions, investigation, and research, consensus building and culminating in implementation of a pilot program.

The goal of this program is to work towards the identification of a septic system(s) that could be piloted in areas of North Salem and Lewisboro to further the development of affordable housing, with Transit Oriented Development that will inspire confidence of public decision makers.

Date	Activity	Title/Affiliation of Persons Responsible
9/12-12/30	Begin Working with Legislator Harckham's subcommittee; monthly if not more	Joan Arnold, Executive Director of A.C.E.
9/12-4/13	6 meetings with Town officials to discuss septic issues locally and potential sites for affordable housing that might have been ruled out due to lack of adequate septic while exploring pre-identified sites for development	Joan Arnold, Executive Director of A.C.E. And A.C.E. Board members Staff from LISC and Engineers knowledgeable in systems

1/13-6/13	Meet with state and county agencies Convene one meeting bringing together all sides and partners together.	Joan Arnold, Executive Director, A.C.E., members of the subcommittee, and A.C.E. board members knowledgeable of public process
3/13-6/13	Write a report on interim findings to the Harckham committee, municipal officials, partners(WCF and LISC) and the Court Monitor with the objective of putting together strong position for affordable housing's need for new septic technology	Joan Arnold Executive Director of A.C.E. and board members knowledgeable of public process and the Court Settlement
6/13-9/13	Consult with engineering firm (civil engineering who has designed septic systems, etc) to identify appropriate septic system(s)	Joan Arnold, Executive Director, A.C.E. and selected consulting C.E. s and LISC staff
10/13-12/13	Use selected system and WCF and LISC funding as leverage for extended pilots and other funding	A.C.E. Board , LISC, WCF

Northern Westchester's chronic lack of sewers and failing septic systems is legendary. For instance, despite the recognition of the problem in Bedford , failed and failing systems throughout the three Bedford Hamlets, the prospect of a town-wide referendum in the late 1980's was deferred. The referendum of the sewer hook up to the Yonkers system following the Saw Mill River Parkway, or the Bedford Hills Correctional Facility, was never voted upon. The Bedford Town Board heard from many of its constituents who lived in the non-hamlet areas. Their universal fear was over-development if sewers were installed. That fear is felt in the surrounding communities of Lewisboro, Pound Ridge, and North Salem to name a few

In Bedford the prevailing thought was to hook up the hamlets of Bedford Hills and Katonah to a system that already exists within the Town (the New York State operated Bedford Correctional Facility). That strategy has currently been ruled out because DEP would not allow expanding the capacity of this plant. DEP would spend a million dollars to upgrade the efficiency of the plant but would not allow 1 more gallon of wastewater. The Town joins with Legislator Harckham in attempting to change the paradigm by looking at decentralized systems. Other towns have smaller closed systems, but additional waste water cannot be accommodated and or/ the cost of hook up would be prohibitive. Without adequate sewer disposal, without upgrades to existing systems, housing development cannot go forward.

Deleted:

At the same time there is movement in Westchester, the State's DEC put out a draft of new regulations for the state. Essentially, the new regulations call for major revisions for projects using over 1,000 gallons of water a day. The draft regulations are daunting for affordable housing. Proposed restrictions, and some are conflicting, include daunting restrictions for galleys and little recommendations for enhanced treatments.

There has been such an outcry about these proposed changes that it has served to galvanize the developers and their engineers in the Westchester area. New York City watershed regulations for the areas east of the Hudson are very different from those West of the Hudson. DEC regulations are enforced by the Westchester County Board of Health.

Why A.C.E.:

While there are local municipal officials, developers and engineers at the table there has yet to be dedicated voice for affordable housing in the debate. Affordable housing in Westchester is an important player in this central conversation. A.C.E. and its Executive Director are the ones to assume this leadership and pivotal role. Ms. Arnold has studied the problem for over 25 years; conducting sewer needs study in the late 1980's for Bedford. She has County contacts in the Planning Department and beyond and has dealt with septic systems for her 25 plus years in housing development. Through her work with A-HOME and now A.C.E. she has done the "bedroom count polka" trying to maximize the number of affordable housing units with the antiquated septic systems of Westchester County. A.C.E. board is comprised of community members who know of the litany of septic and sewer issues in the areas are knowledgeable in their own right about the issues. Ms. Arnold's collegial relationship with Legislator Harekham and others on the committee seeking a solution to this challenge serve to augment her capacity and that of A.C.E.'s. In addition, A.C.E. has received preliminary funding commitment from LISC for \$25,000 to undertake this initiative, resulting in the actual development of affordable housing.

A.C.E. Allied Community Enterprises (formerly A-HOME Community Enterprises) grew out of A-HOME, Apropos Housing Opportunities and Management Enterprises. It was established to grow A-HOME in the development of properties and to educate the region about the needs for affordable housing. In addition, A.C.E. could operate in both Westchester and Putnam counties and do community development work to augment housing development. A.C.E. is a separate 501 © 3 separate entity and since its filing and receiving its 501© 3 status A.C.E. has also filed for, and was accepted, as a Community Housing Development Organization. That certification allows A.C.E. to receive HOME money from the state and also creates a board of director that

has low income residents included on the board. One third of the board members must be low income representation. The result is a board that is quite diverse. For the last year plus, under the leadership of Peter Russell, former A-HOME president, the A.C.E. board has met regularly and empowered its members. Former A-HOME Executive Director, Joan Arnold retains her title of executive director of A.C.E, with her ability to focus on development of projects and advocacy issues. With that move the two organizations will be separate. A.C.E. may present a project to A-HOME for its management or A.C.E. may work with the community partners. The A.C.E. Board has accepted that challenge. To that end, the board, working collaboratively, decided on a new name, Allied Community, rather than A-HOME Community. Project including this proposal include the Not for profit sponsor of the Chappaqua Station project for Conifer Development, Developer of the Pietsch House in North Salem, HOMES for Westchester – streamlining the public approval process, Ms. Arnold chairs that group, and other potential partnerships with local municipalities and developers.

Letter of Support

The letter of support does not obligate the municipality in any way. The grant is an opportunity for ACE to find a pilot septic system for a site in northern Westchester. A pilot program such as this will establish that such a system is possible and can lead, not to overdevelopment or housing projects, but to planning sustainable housing, mixed use and commercial development that is not polluting the watershed and contaminating wells.

STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT
C. & T. WHELAN
6 HIGHVIEW RD. TOWN OF POUND RIDGE
WESTHESTER COUNTY, NEW YORK

Stormwater Control Facility Maintenance Agreement

Stormwater Control
Measures (A) /

WHEREAS, the Town of Pound Ridge ("Town") and the Property Owner, Theresa and Cabal Whelan, and their heirs, successors and assigns ("Property Owner"), desire to enter into an agreement to provide for the long term maintenance and continuation of ~~SWC~~ including design, infrastructure, and systems related thereto (collectively, "SWC") approved by the Planning Board of the Town for Project # _____ at the below address:

6 Highview Rd.
TOWN OF POUND RIDGE
WESTCHESTER COUNTY, NY

Whereas, the Town and the Property Owner desire that the SWC be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Town and the Property Owner agree as follows:

1. The Property Owner shall be bound by the maintenance provisions depicted on the approved project plans which are attached as the Whelan Residence Plan (sheets S1-S6) of this agreement.
2. The Property Owner shall maintain, clean, repair, replace and continue the SWC depicted on Sheet S-2, as necessary to ensure optimum performance of the measures to design specifications. The SWC shall include, but shall not be limited to, the following: pretreatment chamber, drop inlets, rain gardens and pipes.
3. The Property Owner shall permit the Town access to the property mentioned in Schedule A for inspection or maintenance as necessary.
4. The Property Owner shall be responsible for all expenses related to the maintenance of the SWC.

5. The Property Owner shall provide for the annual inspections of the SWC in accordance with the approved Stormwater Pollution Prevention Plan to determine the condition and integrity of the measures. Such inspections shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Property Owner within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the SWC. The Property Owner shall maintain the records of these reports for review by the Town upon request. A failure to maintain such records will be a violation of Chapter 91B of the Town Code. A copy of all reports and related documents shall be delivered to the Building Inspector.
6. The Property Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the SWC except in accordance with written approval of the Town of Pound Ridge.
7. The Property Owner shall undertake necessary repairs and replacement of the SWC at the direction of the Town of Pound Ridge and in accordance with the recommendations of the inspecting engineer.
8. This agreement shall be recorded in the Office of the County Clerk, County of Westchester, with the deed for the common property by the owner within 30 days of the date of this agreement. This Agreement shall run with the land.
9. In the event that the Town, after giving reasonable prior written notice to the Property Owner, determines that the Property Owner has failed to construct or maintain the SWC or any aspect thereof in accordance with the approved project plans and the program, or has failed to undertake corrective actions specified by the Town or by the inspecting Engineer, the Town is authorized and is hereby granted a temporary easement, after giving reasonable prior written notice to the Property Owner, to enter the property for the purpose of undertaking such steps as reasonably necessary for the preservation, continuation or maintenance of the SWC in accordance with the approved project plans and the program. The Property Owner shall be responsible for reimbursing the Town for all reasonable costs incurred by the Town in performing such work which costs shall be a lien against the property. The Property Owner hereby agrees to indemnify, defend and hold harmless the Town against any liability arising out of the construction, maintenance, or operation of the SWC.
10. This agreement is effective upon execution by both parties.